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Observations on the Architecture of Evil: A New Reading of Eichmann on Kant

Simone Brott

En route from Birmingham to Syria in 2013, British-Jihadi neophytes aged 22, Yusuf Sarwar and Mohammed Ahmed purchased two books via Amazon to prepare for their mission in Syria after joining ISIS: *The Koran for Dummies* and *Islam for Dummies*. Journalists were swift to disparage their reading. The book's author, Princeton University campus imam, Sohaib Nazeer Sultan remarked "Even though they may have ordered it, I don't think they read it." In 1933, aged 27, Adolf Eichmann moved to Berlin to join the *Sicherheitsdienst* SD whereupon he read Immanuel Kant's book the *Kritik der praktischen Vernunft* (*The Critique of Practical Reason*) for the first time.¹ After his trial in Jerusalem, Hannah Arendt of course dismissed Eichmann's reading of the German philosopher as thoroughly vacuous.² Ever since, writers have sought to undermine the veracity of Eichmann's account. The global Jihadis are illiterate, a journalist recently commented: they're not well read in the Qur'an, and if they have read it, they have thoroughly misunderstood it.³ He cited as evidence Abdul Raqib Amin's YouTube rhetorical: Forget everyone. Read the Koran, read the instruction of life. Find out what is jihad.⁴ Eichmann on the other hand was not illiterate in his youth. Before Berlin, he had already read Kant's *Groundwork of the Metaphysics of Morals*⁵; he would also re-read the *Critique of Practical Reason*, and from his testimony and terminology we can infer he was familiar with Kantian concepts that extend beyond both books.⁶ Had you read Kant's book previously? asked Judge Raveh in Session 105 of The District Court Sessions of the Adolf Eichmann Trial. Eichmann: *Then was the first time*.⁸ Nothing so immortal escaped Eichmann's lips. This passage of court dialogue has been ritualised in continental philosophy over the last 50 years, and yet, the understanding of Eichmann's Kant has never moved beyond the "categorical imperative," which alone cannot elucidate the role of Kant's book in formulating the problem of Auschwitz qua Eichmann. The transcripts from Eichmann in Jerusalem are permeated with unclarified Kantian terminology elided in the longer project surrounding Eichmann's testimony. This Kantian terminology appears in the guise of quotidian words such as "understanding," "knowing," "duty," "truth," "freedom," that as I will argue in Eichmann are intended in a pure and technical sense—lifted directly from Kant's writings—and they arise in the context of logical arguments and forms that can only have issued from a serious reading of Kant. This essay will perform a reading of Eichmann's Kant, in singularly Kantian terms, that for historical reasons unclear has not yet taken place. That method will also require a thoroughgoing interrogation of Kant.

1961: Eichmann's Trial

Addressing the chief prosecutor Gideon Hausner, in the infamous section of the trial, Eichmann stated "all my life I have tried to live by Immanuel Kant's categorical imperative." Presiding Judge Yitzhak Raveh would ask Eichmann, "What did you mean by the Kantian imperative when you said that?"⁹ Eichmann: "I meant by this that the principle of my volition and the principle of my life must be such that it could at any time be raised to be the principle of general legislation." By principle of volition Eichmann is referring to Kant's concept of the "will," meaning the decision to conform to the absolute principles of a "general" or "formal logic," the "science of the necessary laws of thinking" abstracted from all objects of knowledge.

In the “Fundamental Law of the Pure Practical Reason,” Kant provides a formula for how to live by the categorical imperative: “Act only according to that maxim whereby you can at the same time will that it should become a universal law.”¹⁰ The “practical rule” is “universal,” “unconditional,” and must be “conceived *a priori*” namely, “without borrowing anything from experience or from any external will” – “for pure practical reason is *legislative*.”¹¹ In *Groundwork of the Metaphysic of Morals* Kant considers the case of a person who wants to borrow money and promises but never intends to pay it back. He asks us to imagine that if this was universalised, no one would lend money: “For supposing it to be a universal law that everyone when he thinks himself in a difficulty should be able to promise whatever he pleases, with the purpose of not keeping his promise, the promise itself would become impossible, as well as the end that one might have in view in it, since no one would consider that anything was promised to him, but would ridicule all such statements as vain pretences.”¹² The maxim self-destructs and is therefore not a categorical imperative.

Arendt argued that in carrying out the extermination of the Jews Eichmann was fully aware that his undertaking failed Kant’s test for the categorical imperative because he would have known that genocide cannot be universalised.¹³ But Kant would not agree with the very question: was Eichmann following the categorical principle through his actions? It is only through the “inner principles” of Eichmann’s activity and testimony that the question can be constructed in properly Kantian terms. Since no person ever can be sure to conform to what is moral, human action is not the judge. Kant points out that our behaviour in the real world is frequently immoral, therefore the claim that my behaviour does or does not conform to Kant’s philosophy, is a “synthetic-a posteriori” not “a priori” claim, a distinction established in the first Critique.

Nonetheless, in the examination of Eichmann’s reading of Kant that Arendt would find so egregious, Judge Raveh asked the accused: “do you mean to say by this that your activities in the course of deporting Jews corresponded to the Kantian categorical imperative?” Counter to his original claim, Eichmann responded: “certainly not, because these activities...at that time I had to live and act under compulsion, and the compulsion of a third person, during exceptional times. I meant by this...by this living according to the Kantian principle, to the extent that I am my own master and able to organize my life according to my *volition* and according to my *wishes*. This is also quite obvious, in fact it could not be meant any other way, because if I am subjected to a higher power and a higher force, then my free will as such is eliminated...”

Eichmann is cycling through Kant’s theory about moral freedom that appears throughout Kant’s three Critiques. Yet in Kant, “freedom itself is the condition of the moral law which we know,” what Kant calls autonomy.¹⁴ Unlike the “heteronomous will” of “animals,” that are governed by an external force or authority, humans have an internal process of self-legislation (autonomy) that allows one to make free moral judgments. Eichmann is correct that he could not have been obeying the categorical imperative if as he argues he was acting under an external authority, the third person, not autonomous judgment.

But this is not the end of the matter, for Eichmann concludes with a surprising argument that by ceding autonomy to his superior SS-Obergruppenführer Reinhard Heydrich from whom he received instructions he was ipso facto conforming to the

categorical imperative: "...since I can no longer be master of my free will and volition, I cannot in fact adopt any principles whatsoever which I cannot influence, but, on the contrary, I must, and also may, build obedience to the authorities into this concept, and then the authorities bear the responsibility. In my judgment, that also belongs to it." By "belonging to it," Eichmann means his decision to transfer moral autonomy to the third person was something he freely chose, a paradoxical act of simultaneous autonomy and obedience toward the categorical imperative. Eichmann is also referring to the passage above in the *Critique of Practical Reason* where Kant says Freedom is a fact "belonging to it," meaning, *reason*. Eichmann's argument mirrors the long debated dialectic of moral freedom conceived by Kant. Kant conceives of reason as "a thoroughgoing lawlike network" (*durchgaengig gesetzmässiger Zusammenhang*). It is "law-like" meaning determined, but freedom is hardwired into the logical network. In Eichmann's elucidation of Kant: "I cannot adopt any principles that would eradicate freedom, even under the unbending law of moral reason, I still choose what to think, and what moral action to take."

Raveh: Do you mean to say by this that following the authorities' orders blindly signifies realizing the Kantian categorical imperative? Eichmann's reply collapses the actual law (the third Reich) with Kant's law of the categorical imperative, just as it dissolves the commonplace notion of legal duty with Kant's notion of will, and moral duty. Eichmann asserts that obedience to the law can and "must" be *built into* the categorical imperative in a reference to Kant's political philosophy whose encounter with Kant's moral law is bewildered in the courtroom. For Kant, man has "no right to *sedition* or *rebellion*" and an individual must subordinate his determination of the law to the law as determined by the sovereign, regardless of his freedom within moral Law wherein he is a self-legislator (and even if the sovereign exceeds his authority).¹⁵ In Kant's philosophy there is no logical contradiction between these two laws—the moral and the political—at least not on a formal level—the exact level Kant's theory will be criticised by Hegel as "empty formalism"—because the ordinary "duty" by which a man must submit to the sovereign or State is itself a categorical imperative, as Eichmann points out. (If everyone was permitted to break laws, there would be no law and no point to the law, and so the maxim fails.) But the Moebius-like illogicality of Eichmann's confession thereby returns his argument to a starting point by which Kant's moral and political law lie on a single curved surface with only one boundary. Sovereign law by its very nature threatens to disturb the network of the moral law, given the sovereign is always contingent, and that there can be no authority higher than absolute reason.

Therefore, beyond the authority of Kant and Hitler to which Eichmann refers, there exists a third unnamed authority in Eichmann's speech, viz the ultimate authority of a universal morality predicated by Kant, in other words, the very object of Kant's moral system, in which Eichmann's "will" (Kant's term for moral choice) is the only authority, if we accept Kant's premise that the moral law is absolute and universal. Since Raveh and Hausner never call Eichmann to answer to himself, *as a moral legislator under the law of absolute reason*, the real test of Eichmann's thought is never provided.

What this also reveals is that the problem with Eichmann's reading of Kant, is it isn't a *reading* at all, Eichmann's confession and discourse regarding his actions issue unmediated from Kant. When the word Law appears, it becomes evident that

Eichmann does not separate his activities and thought from Kant's own writings. Kant provides both the logical structure and substance of Eichmann's arguments, and as Eichmann had internalised Kant long before the trial, Kant is not a weak justification for murder as Arendt argued, but something more substantial and disturbing. It is precisely where Eichmann's arguments conflict with the received moral or legal framework external to Eichmann's thought that confirms Eichmann was obeying Kant. It is the encounter between these parallel legal systems that will lead us to claim knowledge, but to demonstrate it !! ADDIN

The dialogue that ensues between Raveh and Eichmann is no less bizarre as Eichmann and Raveh each consider that Eichmann both obeyed and did not obey the categorical imperative. To Raveh's challenge about blindly following the authorities, Eichmann makes an objection, addressed neither to Raveh nor the court, but perhaps to Kant himself: Kant's categorical imperative is impossible to apply to the holocaust and to Nazi Germany under the Third Reich: "Since the Kantian imperative was laid down, there had never been such a destructive and unprecedented order from a head of state. That is why it was new, and that is why there is no possibility of comparisons, and no...one cannot have any idea of how it was. There was the War. I had to do just one thing. I had to obey..." Eichmann appeals to the inconceivable, exceptional nature of Hitler's world order and therefore the impossibility of universalising any of its principles. Yet he had already agreed to the Final Solution when he joined the SD prior to the mass killings that he himself would operationalise, meaning he not only found it conceivable, he was the person who made Auschwitz a reality. Raveh: "I understood from the first part of your answer that you meant that these years in which you were a blind recipient of orders would be excluded from life according to the Kantian imperative..." Eichmann replies: "Killing people violently cannot be according to the spirit of the Kantian imperative, because in principle it is not something Godgiven."¹⁶ Obviously, Kant would never have approved of the mass extermination of six million Jews in Eastern Europe planned by Eichmann. By *Godgiven*, Eichmann is referring to Kant's term for the moral law in *Groundwork* called "the Kingdom of God on Earth."

Raveh openly avoids the content of Eichmann's statement, and fixates instead on its formal structure: "That means that there was a time when you did not live by the categorical imperative?" Eichmann consents, he ceased to live according to the categorical imperative "from the moment when I was transferred against my will, and against my wishes, to Berlin...until the end." Eichmann again silently assumes Kant's technical concept of "will," not the quotidian one heard in the courtroom. The will is what impels one to obey the moral law, neither out of desire nor personal wishes but according to *reason* alone. Raveh points out the circularity of Eichmann's statements: "And throughout this time it was clear to you that during that period you could not live by the categorical imperative, although you had in principle arranged actually to live your life by it?"

Eichmann: "During this time I read Kant's *Critique of Practical Reason*... for the first time." Raveh: "So... it was only then that you encountered the idea of the categorical concept?" Eichmann: "*I had come across this earlier, but I had not concerned myself particularly with it; instead, the Kantian categorical imperative was disposed of shortly as follows: 'True to the law, obedient, a proper personal life, not to come into conflict with the law.' This, I would say, was the categorical imperative for a small*

man's domestic use." Eichmann's claim is he only learned the true meaning of the categorical imperative, of Kant's higher moral law, at the precise moment he joined the SD and decided to read the *Kritik der praktischen Vernunft*, which he had come across previously. Eichmann's autobiography is fundamentally epistemological: while he had previously mistaken the categorical imperative for obedience to the State, after joining the Nazis, he assumed the higher categorical imperative based on a pure morality in the realm of higher reason.

Raveh asks "from where had you taken this definition of the categorical imperative for the 'small man'? When you read Kant later, did you find it corresponded to his definition?" Eichmann: "No, I sensed this earlier on, because for someone like myself it is not possible to understand all of the subject of Kant completely; instead, I only took from these writings what I could understand, and what my imagination could somehow grasp." Raveh repeats his question: "So I understand that you learned the true concept at the time you were dealing with the deportation of Jews? Eichmann: "As to whether it was the genuine complete concept of the categorical imperative, I am still not able to grasp even today." Even in claiming that he did not understand, Eichmann reveals his close reading and allegiance to Kant.

If Eichmann did not grasp the categorical imperative, he could not have identified its two connotations (the small man versus the big man), or that he could no longer live by the categorical imperative under the Third Reich of Adolf Hitler when he was divested of free will. If unlike Arendt we assume that Eichmann had perfectly assimilated Kant's categorical imperative, the meaning of his statement might be that he *became* the 'small man' of the small law during Auschwitz, precisely in organising the mass deportations under instructions from the 'big man' Reinhard Heydrich, under the 'big law' of the Führerprinzip – thus superimposed onto Kant's absolute moral law. Eichmann did not terminate the categorical imperative during the Holocaust but set it in motion for the first time.

Eichmann's alleged confusion about his own understanding versus Kant's concept of the "understanding" is instructive. In Kantian terms, Raveh wants to know if Eichmann's "experience" of implementing the final solution—the combination of "intuition" (sense impressions) and "concepts"—produced genuine knowledge of Kant or a distortion. Eichmann claims he had only the "imagination" – the "faculty of a priori synthesis" whereby sense impressions become a coherent unity. i.e. he had only the "appearance" of Auschwitz (as its logistical conductor), but not the "understanding," meaning he lacked *the unity of concepts, the architecture that constitutes knowledge*. In *The Critique of Pure Reason*, Kant defined "pure reason" as "architectonic," meaning it treats any knowledge as part of a "systematic unity" of laws. Even if that reasoning is false or mere projection, it will seek out a unified legal "network" or whole to house itself. That architectural totality for Kant is "pure" i.e. theoretical, meaning it does not arise from empirical knowledge, from objects of experience or actions, "the interests of reason," but exists *a priori*.¹⁷ Therefore the meaning of Eichmann's disavowal is that there existed no architecture for his actions. Arendt accuses Eichmann of both 'playing dumb,' for cynical reasons, and for *being* dumb—for his suspension of thought in blindly carrying out his duties in the Holocaust: the claim "that no one thought about anything, one could not think." But if there is a reason to resurrect the court transcripts it is to make evident that Eichmann was engaged in analytic thought until the bitter end, that he was not a mere bureaucrat

as Arendt argued – rather, as Eichmann acknowledges here, his attempt to construct the “Jewish Problem” by reading Kant did not yield any architectonics of reason. Eichmann provides his own auto-refutation that can only be decoded by a reading of Kant.

According to his own analysis then, Eichmann was neither motivated by Kant to undertake Hitler’s orders, nor did Kant order him to do so. Eichmann already hated the Jews just as he had already read Kant. Eichmann in Jerusalem concealed the unKantian dimension of his motivation by repeating his small man refrain to Raveh: I was impotent to take any action, I acted under duress. Raveh: “You are now saying that you were not able to leave the Party, having once joined it, is that your statement? Eichmann: “No ... as of the beginning of the War there was no leaving, nor any other possibility of doing anything of one’s own free will. And before that, there was first of all the swearing of the oath to the forces, and the oath when I joined the Security Service Head Office...”¹⁸

In turn, Raveh explains that he wishes to read out an earlier passage from the prosecutor: “Hausner: ‘I wish to know whether you tried to leave the Nazi Party and the SS.’ Eichmann: ‘I did not try to leave the SS and the Party. Hausner: And you remained in them of your own free will and free choice?’ Eichmann: ‘A member of the SS and the Party, yes...’” Raveh: “I thought that you remained in the SS throughout the years of the War, despite your pangs of conscience, because you knew perfectly well that there was no possibility of getting out of the SS. Now I read your words here, and that must be interpreted as follows: ‘I remained a member of the SS and the Party of my own free will.’” Eichmann: “Yes, well, I could not have done this even if I had wanted to.”¹⁹

Eichmann is referring to the cardinal rule in Kant’s moral realm: one cannot exit the moral law – as one can leave a sports club; in doing so, Eichmann substitutes Kant’s moral law for the *Führer’s* law or God’s Kingdom. Eichmann further indicates, what one *wants* to do (to go to Berlin or not) is irrelevant in Kant – *that* one follows the principle is the only measure of moral worth. Raveh: “I consider you to be intelligent enough to understand this contradiction, that there is a contradiction here. Do you have anything further to say about this?”²⁰ Eichmann: “There is a contradiction here, *but even if one had wanted to, it would have been Impossible...*” In other words, his claim is that he *did* want to, and that at the same time he had no choice; a position that short circuits Kant’s concept of moral autonomy, since there can not be conformance to the law by a sense of duty, if one performs it out of desire – that is Eichmann’s surplus that destroys any possibility of a moral architecture as per Theorem 1 in the second Critique.²¹

Eichmann is the worst example of a Kantian subject, even after having read Kant correctly. He openly desires to commit the immoral acts that he also deems to be categorically imperative. This observation is contrary to Žižek’s theory that Eichmann was “following his duty to follow his duty.” Indeed, Kant’s concept of “duty” is from Eichmann’s perspective both superfluous and exegetical. The contradiction noted by Raveh already exists in Kant’s notion of duty, where one rationally and freely decides to follow the reason of moral law, against one’s inclinations – and the meaning of ‘duty to the law’ is sharpened in the case of adverse consequences. That is where Arendt and Žižek are mistaken. Kantian duty does not mean you don’t think, but on

the contrary the decision to obey moral law is obtained via a process of logical reasoning – it means to actively and freely construct the law-like network in which morality obtains. Duty and the conscious conformance to the law is not Eichmann's excuse or even his real motive – it is the basis of Kant's moral system.

While Hausner uses the Socratic method to make Eichmann admit his guilt, Eichmann will only admit to being guilty of the mass transportations of the Jews not their deaths i.e. the formal organisation and "synthesis," namely the architectonics of killing as opposed to killing. To maintain his story about not being responsible, Eichmann will also lie that he did not agree with the killing of the Jews. A lie so convincing, it will pay off. He argues he was a mere transporter or logistical carrier for murder far from the figure of the killer himself; that he remained within the realm of *noumena* not *phenomena*, the latter wherein the real crime took place. However, in Kant's transcendental idealism, Eichmann's mind sought to provide the structure to carrying out the Final Solution: the a priori space that gives moral content to the action; and even if he thoroughly failed, therein lies his liability.

1945-1946: Wisliceny's Eichmann

Eichmann's moral bisection of the act of murder (murder = reason plus action) is undermined by the fact that he grossly misrepresented himself in Jerusalem, evident in the Nuremberg trials. Gabriel Bach, assistant to Hausner, resided in the same prison building where Eichmann was isolated, and spoke to Eichmann daily for the eight month duration of his incarceration, as per Bach's account of the trial. In the final stage of the trial Bach wrote: "my team presented evidence that Eichmann said to friends, 'I know the war is lost but I am still going to win my war against the Jews,' and then he went to Auschwitz to get the death rate increased from ten thousand a day to twelve thousand a day. And to Willem Sassen he boasted that if he managed to kill eleven million Jews, then he would have done something important for history." ²²

This established that Eichmann personally and ideologically believed in killing the Jews, and was not merely following orders, or following his duty for the sake of Kantian duty, but believed it desirable and imperative to kill the Jews. He was making an autonomous judgement, and thereby obeying the categorical imperative, in the strictest architectonic sense, counter to his original argument he was merely following the small man version of Kant's law. That Eichmann believed in the morality of Hitler's credo is not controversial. That Eichmann took fanatical pleasure in killing Jews, evidenced in the Nuremberg trials (1945-1946) by material confirmed by Eichmann himself 15 years later in Jerusalem (1961), has been obscured, not merely bracketed, for historical reasons that still remain unclear.

The gap in Arendt's portrait of Eichmann in Jerusalem can be found in the Nuremberg transcripts, where the absent Eichmann comes into greater focus via third person testimony. In the cross examination of SS officer Dieter Wisliceny in the Nuremberg Trials in 1946 it emerged that Eichmann was responsible for the death of the Jewish communities in Greece, Hungary and Slovakia. Wisliceny testified that he knew Eichmann from 1934, because the two SS officers joined the *Sicherheitsdienst* SD (Security Service) around this same time, and remained in the same department until 1937. Lieutenant Colonel Smith W. Brookhart, Jr.: When did you last see Eichmann? WISLICENY: I last saw Eichmann towards the end of February 1945 in

Berlin. At that time he said that if the war were lost he would commit suicide. LT. COL. BROOKHART: Did he say anything at that time as to the number of Jews that had been killed? WISLICENY: Yes, he expressed this in a particularly cynical manner. He said 'I would leap laughing into the grave because the feeling that I had 5 million Jews on my conscience would be for me a source of extraordinary satisfaction.'²³ Hausner famously lifted this passage from the Nuremberg Trials, and Eichmann agreed to its authorship by himself, thereby undermining his answers in Jerusalem.

The reason killing Jews is a confirmed categorical imperative in Eichmann's mind is now obvious. *If* Eichmann first and foremost thought killing Jews was a necessary evil to preserve the purity and preservation of the German race, that would constitute a hypothetical not a categorical imperative. A categorical imperative is good in and of itself, not a causality premised on some good end outside itself – the latter is what Kant calls a "hypothetical imperative." Wisliceny's portrait tells us that Eichmann passionately killed, out of fervour and hatred and no more. Killing the Jews was a "good" and an end in itself and therefore logically conforms to Kant's definition of the categorical imperative. The killing of Jews in Auschwitz was not instrumental, like the examples of slavery, kidnapping, or colonisation. Genocide is no more instrumental or purposive than murder by a serial killer – neither serve any function outside the act of murder.

However, Wisliceny's memory of Eichmann the psychopath thus suggests Eichmann was also *not* acting according to the categorical imperative. Pleasure in Kant that informs the 'moral' act, is contrary to the categorical imperative. Kant thus makes transparent that there are not only two versions of history here, there are two subjects: Eichmann's Eichmann who plays the figure of the super-ego (I acted responsibly; I obeyed the law, I did my duty), and Wisliceny's Eichmann who has no super-ego, and is pure *id* (I gratified my desire for murder). Wisliceny provides more material to allow us to get to know Eichmann.

LT. COL. BROOKHART: Did you have an opportunity to examine files in Eichmann's office? WISLICENY: Yes; I frequently had occasion to examine the files in Eichmann's office. I know that he handled with special care any files which had to do with questions concerning his own special task. He was in every respect a confirmed bureaucrat; he immediately recorded in the files every discussion he ever had with any of his superiors. *He always pointed out to me that the most important thing was for him to be covered by his superiors at all times.* He shunned all personal responsibility and took good care to take shelter behind his superiors – in this case Müller and Kaltenbrunner – when it was a question of responsibility for his actions.

LT. COL. BROOKHART: In the case of a typical report going from Eichmann's department through Müller, Kaltenbrunner, to Himmler, have you seen copies of such reports in Eichmann's file? WISLICENY: Yes, of course there were many such copies in the files. The regular channel was as follows: Eichmann had a draft made by a specialist or he made it himself; this draft went to Gruppenführer Müller, his department chief; Müller either signed this draft himself or left the signing to Eichmann. In most cases, when reports to Kaltenbrunner and Himmler were concerned, Müller signed them himself. Whenever reports were signed by Müller without any alteration they were returned to Eichmann's office, where a first copy and

one carbon copy were prepared. The first copy then went back to Muter [sic] for his signature, and thence it was forwarded either to Kaltenbrunner or to Himmler. In individual cases where reports to Himmler were involved, Kaltenbrunner signed them himself. I myself have seen carbon copies with Kaltenbrunner's signature.

Eichmann is a Psychopath

Here we are listening in on what appears to be the earliest echoes of Eichmann in Jerusalem, in Nuremberg, the Eichmann that Arendt will dismiss as “banal” normal and Wiesenthal, a “desk murderer.” Lacan's essay on the Marquis de Sade repeats Arendt's central argument qua Eichmann of the Kantian i.e. formalistic character of Sadean behaviour. For Lacan, de Sade does not seek pleasure as a utilitarian end, but rather the enactment of the formal logic of the law for the sake of itself. It is this formalistic view of Eichmann's Kant that Lacan, Žizek and Arendt share – in Kant's words “it is not sufficient to do that which should be morally good that it conform to the law; it must be done for the sake of the law.”²⁴ But is that all? Is Eichmann merely evil “out of principle” as Žizek writes? We could reverse Kant's formula and argue that it is Eichmann's desire that is not autonomous because of the surplus of the Moral Law that he bathes in. If Eichmann enjoyed murder first and foremost, then, contrary to Arendt, he has more in common with a psychopath than Kant. The diagnostic criteria for psychopathy that had not been established at the time of Arendt's book include everything that annoyed Arendt about Eichmann: normalcy or reasonableness, shallow affect (un-emotive presentation), absence of remorse, refusal to accept responsibility, and gross lying in court.²⁵ Perhaps Freud who said that repressed sadistic impulses are the basis of the human psyche is more helpful than Lacan in a psychoanalytic discussion about Eichmann on Kant. The repression of sadism in a normal person is made possible by the super ego. Lacan conceives of a Kantian superego that is the manifestation of an internal task master; and that the figure of a Sadean executioner is therefore acting in an “ethical” manner by seeking to obey such a merciless master. However, it must be said, there is no tripartite structure (id, ego, superego) in Eichmann because, as has been recently discovered, psychopaths have no super ego.²⁶ Kant had a term for such a killer: “radical evil,” Kant's likely reading of Eichmann that Arendt's “banal evil” was supposed to reverse. Unlike banality, radical evil is innate, based on inclination not reason, and therefore if we use Kant's label, Eichmann has nothing to do with Kantian thought or any of his books.

However, in addition to Eichmann's first pleasure of killing, Wisliceny's account also admits an important second pleasure, viz Eichmann's elaboration of legal paperwork that is the legal surplus to the act of killing. Eichmann stressed the importance of “being covered by his superiors at all times.” He produced the deadly written instruction signed by Hitler to “soothe Wisliceny's conscience”—to “help” him accept that the final solution meant the murdering of all the Jews, when Wisliceny first learned of Eichmann's endgame. It is in this sense that one might go along with Lacan in aligning the Kantian (internal) voice of morality— that issues moral edicts—to Eichmann himself: a sadist tyrant who issues limitless demands to Wisliceny. This formula is applicable to Wisliceny who was at first horrified by the document Eichmann presented and yet did not turn back. (Wisliceny is a murderer and sycophant, but not a psychopath – he has the experience of guilt.) For Eichmann, by contrast, there is no tyrant whispering instructions in his ear; hence there is no point in assigning an internal-external moral duality to Eichmann, as per Kant, because in

Eichmann there is only exteriority (one voice, one surface). To Eichmann's claim I was just following orders, I say it is not an order *if you already want to do it*. The Führer was not Eichmann's master-oppressor but the opposite: an enabler and opiate in the guise of a parental figure who provided approval and reward as to a dog who fetches a ball. The master doesn't insulate Eichmann from responsibility or conscience like Eichmann did for Wisliceny, because Eichmann has no conscience (no super ego). Eichmann's lie, the logic of the Führer as the small man's opiate, is merely the logic he uses to get out of jail.

The real opiate Eichmann craves is *to be connected to the Führer—to touch God himself*. For Kant, there is one legitimate pleasure that attends the categorical imperative as surplus—the sublime pleasure or *jouissance* that a man who obeys the categorical imperative experiences in entering the hallowed realm of Moral Law, the kingdom of God, in which he is the lord's holy emissary. Eichmann constructed an elaborate paper trail, a signifying chain that was not merely his insurance for war crimes but the proof he was a direct conduit to Hitler (God). In this sense, Eichmann was utterly Kantian. It was a stroke of brilliance to appeal to the semiotic chain of command in Jerusalem, and thereby conceal the sublime object of the crime. Eichmann was not following orders at all – he was *touching the hand of God*.

By making moral injunctions real via the printed page, by putting the law in writing, a putting into practice that is also a recording apparatus, the paperwork functioned as a mind – the cortex and nervous system by which the euphoric flows of murder travel unimpeded. In Kant's transcendental idealism, the mind imposes structures on incoming data that allows any information to be understood. It is the Nazi mind's prior architecture that made the realisation of Auschwitz possible. Eichmann was structuring a necessary fiction, a formal edifice to make murder morally intelligible *a priori*. And this is what it might mean to say an architecture of a fascist mind, or architectonics of evil. In his search for the general laws covering the experience of mass genocide, Eichmann's collection of signatures forms “a thoroughgoing lawlike network” (*durchgaengig gesetzmaessiger Zusammenhang*), Kant's term for an architectonic unity. Kant provided Eichmann with the “formal logic to clarify concepts,” whereas the chain of command provided Eichmann the “transcendental logic for how to construct objects.”

This logical exploration entailed two separable pleasures: the non-Kantian pleasure of murdering “I will go to my grave laughing...”, and the Kantian pleasure of signatures and papers “being covered by ones superiors” (being blanketed by the Law)—the higher pleasure of touching God that exists as a surplus to desiring-murder.²⁷ The former provides the image of a psychopath at the ego-level, and the latter the obsessive recording apparatus of the psychopath's union with God. Both pleasures are achieved in the actualisation of the idea of killing. Even if murder is contrary to Kant's Second Formulation, the holocaust is the first time that Kant's moral law was actualised in the policy of the Third Reich. For Kant, the moral law is designed to be put into practice. It is not hypothetical, because even if the moral value of the idea is decided prior to its action, *action must be done*. Without the sensible, without the world of objects, there are no ideas and there can be no morality. Many have intervened at this juncture, how could Kant have prefigured the holocaust if murder is contrary to Kant in every sense? Kant's Second Formulation in the categorical imperative requires that one should never “treat a person as a means to an end, but as

an end” in themselves, such that Kant scholars have always argued that genocide of one people for the ends of another can never be an imperative. But, as I argue above, it is necessary to reverse this critique. For Eichmann’s psychopathology does not locate murder as an end to anything outside the end of murder – and therefore unlike murder for self-defence, punishment or revenge, Eichmann’s actions do not breach the Second Formulation of the categorical imperative. This fact is no clearer or more disturbing than in Eichmann’s statement “we did not even consider the Jews human.”

There May Be No Morality

In *Kritik der reinen Vernunft*, Kant writes: “*The real morality of actions—their merit or demerit, and even that of our own conduct, is completely unknown to us. Our estimates can relate only to their empirical character. How much is the result of the action of free will, how much is to be ascribed to nature and to blameless error, or to a happy constitution of temperament (merito fortunae), no one can discover, nor, for this reason, determine with perfect justice.*”²⁸ This astonishing admission threatens to collapse Kant’s edifice. Morality is an ideal that can never be known or attained, because we can never know the moral value of our actions (i.e. the categorical imperative can only tell us how to act, not whether that act is moral). Worse, the principle of autonomy is shaky, since perhaps my moral conclusion issues from a genetic (personality) defect and not autonomy, truly free judgement. Furthermore, in *The Critique of Practical Reason*, universality itself is no guarantee of morality: “I omit to mention that universal assent does not prove the objective validity of a judgement (i.e., its validity as a cognition), and although this universal assent should accidentally happen, it could furnish no proof of agreement with the object; on the contrary, it is the objective validity which alone constitutes the basis of a necessary universal consent.”²⁹ i.e. the consensus among the Nazis is irrelevant to morality. In the *Groundwork*, as an antidote to these worries, Kant imagined a hypothetical world the “Kingdom of Ends” where everyone lived according to the categorical imperative, enacted by a “community of legislators,” where no person is ever treated as a means to an end – but this fantasy only serves to demonstrate that moral truth is utopian.

The holocaust confirms Kant’s question about the autonomy principle, just as it paradoxically reveals the categorical imperative could only ever be realised *single handedly*: by a dictator who is the enunciator of the moral law ensuring the intrinsic parity or identical message and iteration for every small man, the small men together forming an aggregate of identical Nazi legislators. The holocaust actualises Kant’s moral dictum, precisely by dissolving the autonomy principle, by transferring criticality (autonomy) from the small to the big man who ensures the universality of the law. Under this diabolical suspension from reality—in the post-human realm of universality that turns out to be less pleasurable than terrifying—the categorical imperative permits that anything at all could be made to be moral if it is logically robust; if, like a successful scientific experiment based on a single principle, the results can be infinitely duplicated and thereby prove the rule. But in order to bring the categorical imperative to life, in Kantian terms, and thereby test the robustness of the theory, a big man (the dictator) is required. Hence, the holocaust is not a perversion of Kant, but the necessary reversal required to complete it.³⁰ A transcendent authority who suppresses freedom/criticality and incarnates the law itself is required to make the categorical imperative fulfill its historical destiny. In Europe, hatred for the Jews was already deeply embedded in the German mind long before

Auschwitz. When the dictator appears in the flesh and corporealises what was once only pure abstraction and interiority (psychopathology), an imaginary edifice, the real of truth, materialises before everyone's eyes in the guise of a man. Not only do I now know what to do, *I act. I take action*. If thou shalt kill Jews is legitimised in advance by the higher authority it becomes simple for the small man (who is already a passionate anti-Semite) to carry it out from his desk, to industrially serialise the killing until the bitter end (hence *Endlösung* or final solution).

Eichmann's trial was dismissed by Arendt as the *Sprach* of an empty bureaucratise, yet the court transcripts demonstrate that the holocaust mind is the most substantial and formal of architectures. It's exceptionality – its horrific originality comes from the labyrinthine logic of the posthuman, the architectonics of evil. It was precisely the universal horror at the formalistic (logical) nature of Eichmann's trial that led to both the '*aqua fortis* of condemnation' of Arendt, and ultimately, the incompleteness of her investigation (she was effectively silenced and forced to retract her book). Since the forgiveness of Arendt, Arendt's portrait of Eichmann including her book's first premise that Eichmann was normal has remained the operative methodology of contemporary readings of Eichmann on Kant, including Lacan, Žižek, and Župančič who all formulate the question of evil from the perspective of the normal psychoanalytic subject. But there is a reason Kant uses the word "radical," meaning constitutionally excluded (radically apart) from the subject-position of the moral legislator to which Kant's moral philosophy is addressed. Radical evil precludes autonomy, freedom and the good will, and is thereby logically *outside* of Kant's moral law. This essay returns to the Eichmann transcripts, to the famous passage which stands as a diabolical reordering of what is human and what is subhuman under the extra-Kantian realm of the suprahuman (the Nazis). These are the items of a new logical reordering of subjectivity that the Kantian-legal framework provides traction.

¹ Immanuel Kant, *Kritik Der Praktischen Vernunft* (Riga: Bey Iohann Friedrich Hartknoch, 1788).

² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin, 1963).

³ Alan Travis, "MI5 Report Challenges Views on Terrorism in Britain," *The Guardian* 21 August 2008.

⁴ Jon Hebditch, "Scots Jihadi Tells Family: 'I Love Allah More'," *The Scotsman* 10 December 2014.

⁵ Immanuel Kant, *Grundlegung Zur Metaphysik Der Sitten* (Riga: Bey Iohann Friedrich Hartknoch, 1785).

⁶ The question remains, Why did Eichmann accord time to read Kant's book in 1933, a person who would be responsible for carrying out the most ambitious genocide operation in history, including the deportation of the entire population of European Jews to ghettos and their final extermination? Eichmann's reading of Kant provides insight into a problem as significant now as then: What is the moral status of a morality book or moral philosophy placed under an immoral authority and should we take seriously the reading of such a book by a killer? What Amin demonstrates today is that the act of reading a book to determine future acts of violence cannot be so easily discharged as journalists and intellectuals are inclined to do – such a book can decide who will live and who will die.

⁷ Kant and the Koran both provide a moral framework to their unlikely readers—however we regard that reading as morally delinquent. Kant moreover provides a

means for interrogating the moral instruction offered by religion today. The *Groundwork of the Metaphysics of Morals* in 1785 proposed a universal logical system that was not intended as mere metaphysics, but would replace organised religion as a framework for our moral actions in the world. The religious status of Kant's moral law would be crystalised eight years later in *Religion within the Boundaries of Reason Alone*. Immanuel Kant, *Die Religion Innerhalb Der Grenzen Der Blossen Vernunft* (Königsberg: Bey Friedrich Nicolovius, 1793).

⁸ *The Trial of Adolf Eichmann Session 105 (Part 4 of 4)*, 1991-2012, 3.

⁹ *The Trial of Adolf Eichmann Session 105 (Part 4 of 4)*, 2. Note, all quoted dialogue following this citation is from the same transcript page, part and session, until the next new page, part or session and so on.

¹⁰ Immanuel Kant, *The Critique of Practical Reason*, trans. J. M. D. Meiklejohn (South Bend, IN, Blacksburg, VA: Infomotions, Inc., Virginia Tech., 2001), 21.

¹¹ Kant, *The Critique of Practical Reason*, 18.

¹² Immanuel Kant, *The Fundamental Principles of the Metaphysic of Morals* (Blacksburg, VA: Virginia Tech., 2001), 22.

¹³ Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil. And just as the law in civilized countries assumes that the voice of conscience tells everybody 'Thou shalt not kill,' even though man's natural desires and inclinations may at times be murderous, so the law of Hitler's land demanded that the voice of conscience tell everybody: 'Thou shalt kill,' although the organizers of the massacres knew full well that murder is against the normal desires and inclinations of most people.*

¹⁴ Kant, *The Critique of Practical Reason*, 2.

¹⁵ Immanuel Kant, *Die Metaphysik Der Sitten, in Zwey Theilen*, 2 vols. (Königsberg: Bey F. Nicolovius, 1797). Cited: Immanuel Kant, *The Metaphysics of Morals*, vol. 156 (Cambridge: Cambridge University Press, 1991), 96.

¹⁶ *The Trial of Adolf Eichmann Session 105 (Part 4 of 4)*, 3.

¹⁷ Immanuel Kant, *The Critique of Pure Reason* (South Bend, IN: Infomotions, Inc., 2001). 279, 223. See Chapter III

¹⁸ *The Trial of Adolf Eichmann Session 107 (Part 3 of 6)*, 1991-2012, 3.

¹⁹ *The Trial of Adolf Eichmann Session 107 (Part 3 of 6)*, 5.

²⁰ *The Trial of Adolf Eichmann Session 107 (Part 4 of 6)*, 1991-2012, 1.

²¹ Kant, *The Critique of Practical Reason*, 11.

²² Gabriel Bach, "The Eichmann Trial," *Loyola of Los Angeles International and Comparative Law Review* (4 January 2012): 331.

²³ *International Military Tribunal (Imt) Proceedings Vol. 4 Imt Testimony of Ss-Hauptsturmfuehrer Dieter Wisliceny*, 3 Jan 1946.

²⁴ *Foundations of the Metaphysics of Morals*, Akademie pagination 390.

²⁵ Irving B Weiner and Allen K Hess, *The Handbook of Forensic Psychology* (Chichester, West Sussex: John Wiley & Sons, 2006).

²⁶ Alan Felthous and Henning Sass, *The International Handbook of Psychopathic Disorders and the Law. Volume I: Diagnosis and Treatment* (Chichester, West Sussex: John Wiley & Sons, 2008).

²⁷ On the libidinous flows of fascism, see Deleuze Gilles and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. Mark Seem Robert Hurley, Helen R. Lane (Minneapolis: University of Minnesota Press, 1977).

²⁸ Kant, *The Critique of Pure Reason*, 194.

²⁹ Kant, *The Critique of Practical Reason*, 7.

³⁰ It goes without saying, neither Kant nor his magnum opus in isolation are responsible, and Eichmann's invocation of Kant's first Formulation in isolation of Kant's philosophy of law and political right is obviously a grotesque distortion. According to Kant's doctrine of *Rechtsstaat* ("state of rights") the power of the state is strictly limited by the law in order to protect citizens from the arbitrary exercise of authority. Governmental power is always constrained by the *Rechtsstaat* in what is the "constitutional" or liberal state. Kant would never have approved of the Third Reich which was clearly non constitutional as all power was centralised in Hitler's hand. Authoritarianism has always been the intellectual antithesis of Kantian political thought. A transcendent authority figure who strips the individual of fundamental rights is opposed to the Kantian model based on freedom.